THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16410 OF 2006

07.8.2006

Between:

Udayanagar Welfare Association, represented by its Secretary G.Shankar
And others

… Petitioner

AND

The District Collector, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16410 OF 2006

ORDER:

Udayanagar Welfare Association, the first petitioner herein, and eleven of its members filed the instant writ petition seeking a writ of Mandamus directing the respondents to act according to law and declare the notice issued by the Mandal Revenue Officer, Shaikpet Mandal (MRO), on 27.7.2006 as illegal and arbitrary. The petitioners also seek a direction to the respondents not to demolish their houses at Udayanagar, situated at Road No.11, Banjara Hills, Hyderabad.

The secretary of the first petitioner association filed affidavit in support of the writ petition. It is alleged that Udayanagar, Gowrisankar Colony came up on Road No.11, Banjara Hills, Hyderabad, thirty five (35) years ago in the land comprised in survey Nos.124, 125 and 129 of Shaikpet Village belonging to one B.Gopal. After death of Gopal, it is alleged, his successors sold the property under agreements of sale to the petitioners who constructed houses, obtained electricity and water supply connections and are paying the requisite taxes to Municipal Corporation of Hyderabad (MCH). In the past, in the year 1988, when there was threat of dispossession and demolition of their houses, the petitioners filed W.P.No.7111 of 1988, which was disposed of on 27.3.1997 observing that the respondents cannot disturb the petitioners unless proper legal steps are taken in accordance with law. Thereafter, it is alleged that the MRO issued the impugned notice instructing the petitioners to vacate the land, aggrieved by which the present writ petition is filed.

Heard the learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General).

As rightly pointed out by the learned Assistant Government Pleader, the respondents have initiated action for shifting the residents adjacent to the wall near Ministers Quarters, as there is likelihood of the wall falling on the houses. The impugned notice reads as under.

> It is hereby to inform all illegal occupants, who are residing adjacent to wall at north eastern side of Minister's Quarters at Road No.12, Banjara Hills, which is in damaged condition and R&B Authorities found several cracks, and due

> to heavy rains it may collapse at any time, and it is dangerous to the lives of residents, and slum dwellers, who are residing adjacent to the wall. The higher officials also requested to take steps for evacuating the residents abutting retaining wall to avoid unforeseen casualties. A notice has already been issued vide this office reference 4th cited to all the occupants to vacate, but there is no response from your end and the R&B officials are time and again requesting this office to vacate the occupancy.
>
> Therefore, you are hereby once again instructed to vacate the above place immediately, as a heavy rains are expected in a day or two, to avoid untoward incidents leading to loss of human lives and property.

The above notice/order is self-explanatory. When there is a threat to the life of the people by reason of the wall, which is in damaged condition likely to fall due to the heavy rains, the intention is only to save the lives of the people. In such a case, the petitioners cannot insist that they would continue to reside on the land even if there is a threat to life. The State has a duty to protect the lives of the citizens and in that direction action is initiated, the same cannot be termed as illegal.

The writ petition is misconceived and is accordingly dismissed.

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(**V.V.S.RAO, J**)

August 07, 2006
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